

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; see also 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

OWCP had previously accepted, under OWCP File No. xxxxxx999, that on August 30, 2011 appellant sustained right wrist sprain and tenosynovitis of the hand and wrist, as well as left shoulder affection, due to lifting heavy mail on a constant basis.

In a report dated March 10, 2021, Dr. Rhoda V. Beltran, a Board-certified family practitioner, related that appellant previously had undergone carpal tunnel surgery in 1999, and had began having problems again on January 16, 2021. She noted that appellant had right shoulder, upper arm, wrist, forearm, and right-hand pain. Dr. Beltran noted that appellant was required to grasp, sweep, and move her hands frequently, as well as lift large boxes at work. She indicated that appellant's right arm pain was an overuse problem.

By decision dated June 15, 2021, OWCP accepted the alleged factors of her federal employment. However, it denied appellant's claim, finding that she had not established a valid medical diagnosis in connection with the accepted factors of her federal employment. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

In a note dated July 12, 2021, Dr. John Healey, a Board-certified orthopedic surgeon, diagnosed appellant with superior labrum anterior-to-posterior (SLAP) tear of right shoulder; traumatic incomplete tear of right rotator cuff; arthritis of right acromioclavicular joint; and right carpal tunnel syndrome. He also provided work restrictions.

On August 3, 2021 appellant requested reconsideration of OWCP's June 15, 2021 decision. In support of her request, she submitted a medical report dated June 17, 2021 from Dr. Ronald Ford, a Board-certified plastic surgeon. Dr. Ford noted diagnoses of right hand pain, right thumb arthritis, and possible right hand carpal tunnel syndrome. He stated that he believed appellant's arthritis was the result of or exacerbated by her repetitive work.

By decision dated October 19, 2021, OWCP modified its June 15, 2021 decision to find that appellant submitted evidence containing a diagnosed medical condition. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between the diagnosed medical conditions and the accepted factors of her federal employment.

The Board has duly considered the matter and concludes that this case is not in posture for decision.

OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files.² For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.³ Herein, appellant has a previously accepted claim for wrist sprain, right and other tenosynovitis of hand and wrist, right under OWCP File No. xxxxxx999. The present claim, OWCP File No. xxxxxx 781, also pertains to the right

² See Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

³ *Id.*; *D.C.*, Docket No. 19-0100 (issued June 3, 2019); *N.M.*, Docket No. 18-0833 (issued April 18, 2019); *K.T.*, Docket No. 17-0432 (issued August 17, 2018).

hand and wrist. The evidence pertaining to OWCP File No. xxxxxx 999, however, is not part of the case record presently before the Board. For a full and fair adjudication, the case must be returned to OWCP to administratively combine the current case record with OWCP File No. xxxxxx 999. Following this and such further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the October 19, 2021 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: May 20, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board